REMARKS

Claims 1-6 remain pending in this application for which applicant seeks reconsideration.

Amendment

Claims 1-3, 5, and 6 have been amended. Independent claims 1 and 6 have been amended to define switching the reproduction of the section of the accompaniment pattern data to another section of the accompaniment pattern data when a reproduction point of the performance data by the reproduction device reaches a point corresponding to a detected specific note. The preamble of claim 6 also has been revised according to U.S. patent practice. Claims 2 and 5 have been amended to improve their form. Allowable claim 3 has been placed in independent form to place claims 3 and 4 in condition for allowance. No new matter has been introduced.

Allowable Claims

Claims 3 and 4 were indicated to be allowable if they are placed in independent form. As claim 3 has been placed in independent form, they are in condition for allowance.

Art Rejection

Claims 1, 2, 5, and 6 were rejected under 35 U.S.C. § 103(a) as unpatentable over Imaizumi (USP 5,164,531) in view of Machover (USP 5,850,051). Applicant submits that independent claims 1 and 6 as presently amended clearly define over the applied references for the following reasons.

Independent claims 1 and 6 now call for detecting a specific note in the performance data and switching reproduction of a section of the accompaniment pattern data to another section of the accompaniment pattern data when a reproduction point of the performance data reaches a point corresponding to the detected specific note.

In rejecting independent claims 1 and 6, the examiner alleges that Imaizumi discloses changing the accompaniment data via a detected chord. Applicant disagrees. Imaizumi rather changes the accompaniment data based on a timing PTM, namely after the timing PTM for one pattern data has lapsed. Specifically, Imaizumi's accompaniment style data has a plurality of sections (18 to be specific). Each section has a combination of at least introduction pattern data and normal pattern data. When the user operates an intro-pattern switch, one of the introduction pattern data selected from the combinations is reproduced. After reproducing the

introduction pattern data, Imaizumi calls for automatically switching to the respective normal pattern data when the time PTM for one pattern data elapses. The time PTM is calculated from the number of measures STLTBL (STLN), BAR (SCTN) of the pattern data to be reproduced from the beginning of the pattern data and the time BTM for reproducing one measure. Accordingly, in contrast to the examiner's understanding, Imaizumi does not change the accompaniment data based on any detected chord, but rather based on timing.

Further, the examiner also alleges that Machover discloses changing an accompaniment section based in a detected parameter, such as a note, relying on Machover's claim 21. Applicant again disagrees. Machover discloses generating automatic accompaniment pattern in accordance with parameters such as a chord texture, base texture, etc., and changing the generated accompaniment pattern in accordance with the variation of the parameters in time sequence. Machover, like Imaizumi, relies upon timing for changing the generated accompaniment pattern.

Accordingly, even if the combination as urged by the examiner were deemed proper for argument's sake, applicant submits that the combination would not have taught detecting a specific note in the performance data and switching reproduction of the section of the accompaniment pattern data to another section of the accompaniment pattern data when a reproduction point of the performance data reaches a point corresponding to the detected specific note as now set forth in claims 1 and 6.

Conclusion

Applicant submits that claims 1-6 patentably distinguish over the applied references and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicant urges the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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27 NOVEMBER 2006   /Lyle Kimms/
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